

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JESSE THOMAS FULLER,

11 v.
12 Petitioner,

13 JASON BENNETT,
14 Respondent.

CASE NO. C24-0483-JCC-GJL

ORDER

15 This matter comes before the Court on objections (Dkt. No. 6) to the Report and
16 Recommendation (“R&R”) of the Honorable Grady L. Leupold, U.S. Magistrate Judge (Dkt. No.
17 5). Judge Leupold recommends the Court dismiss with prejudice Jesse Fuller’s habeas petition
18 brought pursuant to 28 U.S.C. § 2244. (*Id.* at 5.) Mr. Fuller objects. (Dkt. No. 6.) Having
19 thoroughly considered the relevant record, the Court OVERRULES Mr. Fuller’s objections,
20 ADOPTS the R&R, DISMISSES the petition with prejudice, and DENIES a certificate of
21 appealability.

22 According to the R&R, Mr. Fuller’s one-year time limit to seek federal habeas relief
23 lapsed September 3, 2018. (Dkt. No. 5 at 4.) Yet he did not file the instant petition until April 10,
24 2024. (*Id.*) On this basis, service of the petition is not required; instead, it should be dismissed
25 with prejudice. (*Id.* at 3) (citing Rule 4 of the Rules Governing Section 2254 Cases in the United
26 States District Courts).

1 In objecting, Mr. Fuller does not meaningfully address this finding or Judge Leupold's
2 ultimate recommendation. (*See generally* Dkt. Nos. 6.) Instead, he lodges generic, non-
3 responsive procedural arguments. (*Id.*) This is insufficient to trigger *de novo* review of the R&R.
4 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *see* Fed. R. Civ. P. 72(b)(2) (a party properly
5 objects by filing "specific written objections"); *see also Simpson v. Lear Astronics Corp.*, 77
6 F.3d 1170, 1175 (9th Cir. 1996) (describing the requirements for an effective objection).
7 Accordingly, this Court need not consider Mr. Fuller's § 2244 petition.

8 The Court, therefore, OVERRULES Mr. Fuller's objection(s) (Dkt. No. 6), ADOPTS the
9 R&R (Dkt. No. 5), DISMISSES his § 2244 petition with prejudice, DENIES leave to proceed *in*
10 *forma pauperis* (Dkt. No. 1), DENIES a certificate of appealability, and DIRECTS the Clerk to
11 send copies of this order to Mr. Fuller and Judge Leupold.

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13 DATED this 27th day June 2024.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE